

## County Must Reject Quarry Expansion Proposal

[illegible]

### 3 Cities and Open Space District Oppose Lehigh Expansion

Cupertino, Los Altos, Los Altos Hills, and the Open Space District sent Santa Clara County letters opposing Lehigh's expansion. Lehigh's brazen proposal to mine the scenic ridge between the quarry and Rancho San Antonio, which has been protected by a deed since 1972, could happen with three County Supervisor votes. Cupertino City Manager Feng wrote, "Lehigh's Application also includes a worrying proposal to alter the 1972 Ridgeline Easement ... to significantly change the Permanente Ridge. Though Lehigh attempts to mask its proposal as necessary to prevent natural erosion of the ridgeline, this proposal appears designed to increase production ... Lehigh reveals its intent to further develop this area when it notes that analysis conducted in 2018 'has revealed options for extending North Quarry production,' and that the 1972 Easement inhibits" production. The Open Space District supports the existing 2012 Reclamation Plan to stabilize the ridgeline rather than to mine it for profit.

Lehigh hopes to create a new business that accepts construction-site waste to fill the empty main quarry instead of using mining waste available onsite. The County estimates that this venture would add 666 trucks per day for 30 years. Lehigh would sell its usable mining waste to Stevens Creek Quarry for processing, extending its operation indefinitely. Remaining waste would be dumped at the massive 218-acre West Materials Storage Area. Lehigh also wants to excavate a new 30- to 60-acre mine. Neighbors were surprised by the quarry expansion proposal because they had expected the quarry to follow its 1992 plan to close by 2012 and build a housing development.

- Lehigh's proposal anticipates 1101 tons of explosives per year to be needed for blasting at the mine
- Lehigh burns pet coke as fuel for its cement kiln instead of cleaner fuels
- Only 2 refineries pay more than Lehigh Cupertino in nonattainment pollution fees to the State (CARB)
- BAAQMD currently allows Lehigh 70,000 trucks per year
- Lehigh plans to import up to 2.45M gallons of ammonia per year
- Taxes fund 46% of the cement industry through government projects

Bernd Scheifele, Chairman  
HeidelbergCement Germany,  
parent company of Lehigh Cement  
(see article next page)

***Lehigh is the County's top GHG polluter and emits at least 17 Toxic Air Contaminants (TAC) above Chronic Trigger Levels***

# Lehigh Cupertino is a California Mega Polluter – Stop Quarry Expansion

## EPA Slow to Enforce

The U.S. Environmental Protection Agency (EPA) and the Bay Area Air Quality Management District (BAAQMD) have allowed Lehigh 25 years of excess pollution, impacting public health, the economy, and global warming. In 2010, the EPA alleged that Lehigh's predecessor had made unpermitted changes to the cement plant between 1996 and 1999 that increased Sulfur Dioxide (SO<sub>2</sub>) and Nitrogen Oxides (NO<sub>x</sub>) pollution. Consequently, the cement plant has been operating without a valid Title V Air Permit since 2010. The EPA was up to 15 years late in filing a Notice of Violation / Finding of Violation and is now 10 years late in seeking a remedy for Santa Clara County citizens who have suffered from excess pollution. SO<sub>2</sub> and NO<sub>x</sub> create acid rain and fine particulate matter, which causes cardiovascular and respiratory diseases. Particulate matter is a contributing factor to asthma, which affects 257,000 people in the County. Reducing particulate matter to background levels could save the County nearly \$3 billion in lifetime costs.

## Inadequate Penalty and Relief

The December 2019 proposed settlement fines the Cupertino cement plant only \$120K. Worse, BAAQMD's proposed limits do little to reduce Lehigh's ranking as a California mega polluter. As of 2017, Lehigh is nearly tied for first place as California's top sulfur polluter, accounting for 12.7% of the State's industrial sulfur pollution. Only six operations emit more nitrogen oxides than Lehigh.

### **BAAQMD Should**

- Install on-the-fence air-monitoring (fugitive emissions are not measured now, only stack emissions)
- Install video-monitoring
- Publish emissions data timely (only 2016 TAC data available)
- Model emissions for different fuels
- Do a mass balance pollution study



Typical pollution event at Lehigh; BAAQMD does not measure fugitive emissions like these and did not consider this to be a violation.

## Lehigh Cupertino Labor Trouble Top Management Fired

The Chairman of Lehigh's parent company, Bernd Scheifele, complained during a 2017 conference call with financial analysts, "We had always problems to run the plant." His solution? "We fired the plant manager, the production manager and the maintenance repair manager." The result? Labor and land-use violations increased. From 2017 to 2019, proposed labor-safety fines ballooned by nearly ten-fold to \$1.43M, accounting for 69% of all fines levied on California's eight cement plants by the U.S. Department of Labor Mining Safety and Health Administration (MSHA). Incidents at the plant include serious worker injuries, several suspicious fires that destroyed buildings and heavy equipment, a 2017 fatal accident, and the 2011 massacre, when a disgruntled employee killed four people and injured seven others, including a woman unaffiliated with Lehigh.

## Land-Use Violations

In 2018, Lehigh built an illegal 40-foot wide road, some of it in Cupertino's jurisdiction, stunning City officials. In 2019, both Santa Clara County and the San Francisco Bay Regional Water Quality Control Board cited Lehigh for an unstable mountain of mining waste that threatens Permanente Creek, which leads to the San Francisco Bay.

## Chairman Blames 'Silicon Valley Freaks' for Poor Results

On August 1, 2017, HeidelbergCement Chairman Bernd Scheifele faulted the Cupertino plant's neighbors during an analyst conference call, "We spend each year, at least 2 or 3 million [EURO] for lawyers who fight the Sierra Club ... this is a kind of ecologist, grass-root movement in U.S., and they are trying to sue us on whatever ... The problem is our neighbors are all these Silicon Valley freaks, these multi-millionaires ..." The Sierra Club lawsuit, settled in 2013 for \$10M, was based on the discovery by the San Francisco Bay Regional Water Quality Control Board that Lehigh had dumped polluted industrial waste water into Permanente Creek.

## We Don't Need Local Cement

Cement is just a fractional component of concrete. 16 States in the U.S. do not have cement plants and California has 8. The Cupertino plant was built in 1939 for Shasta Dam construction, 270 miles away. Now we know that the Cupertino quarry supplying the plant contains harmful contaminants. Lehigh claims that local cement is good for jobs and the environment. Their quarry employs 22 to 26 people, many of whom are out-of-state non-union members.

## Imported Materials Have Benefits

Many building materials, such as steel, are imported. And it can be more economical and environmentally friendlier to import building materials even when local ones are available. For example, a Long Beach developer obtained sand by importing it from 1450 miles away by ship, rather than from 65 miles away by truck. There are seven other locations to purchase cement in California. For example, Mitsubishi Cement, located in a sparsely-populated area with less pollution, just expanded their capacity for a 120-year supply.